REMARKS/ARGUMENTS

The Office Action of 07/27/06 has been carefully reviewed and these remarks are responsive thereto. Claims 75 and 76 are new. Claims 42-74 are pending. Claim 42 has been amended. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

Claim Amendments

Claim 75 recites "The data processing architecture of claim 42, further comprising shared memory." Support for this claim is found in the specification, "... the shared memory architecture with a 10 Gbps memory bandwidth." Specification at page 50, line 1.

Claim 76 recites "The data processing architecture of claim 42, further comprising distributed memory among each processor." Support for this claim is found in the specification, "The fully distributed generic PC implementation provides local memory for each processor." Specification at page 50, lines 2-3.

The Rejection of Claims 42-74 Under 35 U.S.C. §103(a)

Claims 42-74 are rejected as unpatentable over Merkey (U.S. 6,728,959 B1) in view of Kitain et al. (U.S. 5,864,871). The rejection is respectfully traversed.

To reject a claim as *prima facie* obvious three criteria must be met:

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP § 2142. The rejection fails to meet the third criterion.

The Examiner asserts that Merkey teaches "host and root host processors maintaining a list of available host processors and information about the capacity and load for each available

host processor." Office Action at page 4, lines 5-6. At most, Merkey appears to teach a load indicator that "provides a measure indicating how much of the available processing capacity is being spent running code in application threads...." Merkey at col. 9, lines 36-38. Merkey does not appear to teach maintaining information about processor capacity. "Processing capacity", as defined by Microsoft Press *Computer Dictionary*, is "the maximum number of operations that a processor can handle in a given unit of time." See Exhibit 1 at page 54, lines 28-30, left hand column. It appears that Merkey's load indicator provides the proportion of processing capacity of a processor that is currently in use, not the capacity of a processor, or "the maximum number of operations that a processor can handle in a given unit of time." Claim 42 recites "maintaining a list of available host processors and information about the capacity and load for each available host processor." Claim 66 recites "each of said host processors maintaining capacity and load information of said host processors." Claim 72 recites "each host processor maintaining information on said plurality of said available host processors and on their capacity and load." Thus, Merkey does not teach or suggest maintaining information on processor capacity as recited by independent claims 42, 66, and 72.

Moreover, Merkey teaches a load indicator "which indicates how heavily the **corresponding processor** is loaded." Merkey at col. 9, lines 34-35 (emphasis added). It appears as if Merkey's load indicator only maintains information indicating "how heavily the corresponding processor is loaded," not each available processor, as recited in claims 42, 66, and 72. As mentioned above, claim 42 recites "maintaining a list of available host processors and information about the capacity and load for each available host processor." Claim 66 recites "each of said host processors maintaining capacity and load information of said host processors." Claim 72 recites "each host processor maintaining information on said plurality of said available host processors and on their capacity and load." Thus, Merkey does not teach or suggest maintaining a list of available host processors and information about the capacity and load for each available host processor as recited by independent claims 42, 66, and 72.

At most, Kitain appears to disclose a web server coupled to at least two search engines. Kitain fails to teach or suggest "a communication system coupling said host and root host

processors." Even if combined, the alleged combination of Merkey and Kitain would not teach or suggest all the features of any claim.

Claims 43-65, 67-71, and 73-74 are allowable for all the reasons given above concerning their respective base claims, and further in view of their specific recitations that have not been shown to be in (or obvious from) the prior art.

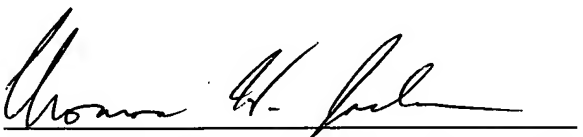
Applicants therefore respectfully submit the rejection is improper, and request that it be withdrawn.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 26 day of October, 2006 By: 

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